

# EXHIBIT A

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

ERIC P. JANAS  
Plaintiff

v.

UNIFUND CCR, LLC  
Defendant

No. AR-21-000509

Type of Pleading:

**COMPLAINT IN CIVIL ACTION**

Filed on behalf of Plaintiff,

ERIC P. JANAS

Counsel of Record for this Party:

Mark G. Moynihan, Esq.  
PA ID No. 307622

Moynihan Law, P.C.  
2 Chatham Center, Suite 230  
Pittsburgh, PA 15219  
(412) 889-8535

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

ERIC P. JANAS  
Plaintiff

Arbitration Docket

Case No.: AR-21-000509

v.

Hearing Date: TBD

UNIFUND CCR, LLC  
Defendant

**NOTICE TO DEFEND**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objection to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer, go to or telephone the office set forth below. This office can provide you with information about hiring a lawyer. If you cannot afford a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee.

Lawyer Referral Service, The Allegheny County Bar Association  
11th Floor Koppers Building  
436 Seventh Avenue, Pittsburgh, PA 15219  
Telephone: (412) 261-5555

**HEARING NOTICE**

You have been sued in court. The above Notice to Defend explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defend, a hearing before a board of arbitrators will take place in Room 702 of the Allegheny County City-County Building, 7th Floor, 414 Grant Street, Pittsburgh, Pennsylvania, 15219 on

TBD, \_\_\_\_\_ at 9:00 A.M. If you fail to file the response described in the Notice to Defend, a judgment for the amount claimed in the Complaint may be entered against you before the hearing.

**DUTY TO APPEAR AT ARBITRATION HEARING**

If one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.

NOTICE: You must respond to this complaint within twenty (20) days or a judgment for the amount claimed may be entered against you before the hearing.  
If one or more of the parties is not present at the hearing, the matter may be heard immediately before a judge without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

ERIC P. JANAS  
Plaintiff

Case No. AR-21-000509

v.

UNIFUND CCR, LLC  
Defendant

**COMPLAINT IN CIVIL ACTION**

Eric P. Janas ("Plaintiff") brings this action against Unifund CCR, LLC ("Defendant"), and alleges as follows:

**NATURE OF THE ACTION**

1. This action is brought against Defendant for its violations of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §§ 1692 et seq., by making false and misleading representations and using unfair practices in connection with their debt collection activity.

**JURISDICTION AND VENUE**

2. This Court has subject matter jurisdiction under 42 Pa. C.S. § 931 and 15 U.S.C. § 1692k.

3. This Court has personal jurisdiction over Defendant under 42 Pa. C.S. § 5301.

4. Venue is proper under Pa. R. Civ. P. 2179 because Defendant regularly conducts business in this county and this is the county where the cause of action arose.

**PARTIES**

5. Plaintiff is a natural person who resides in Allegheny County, Pennsylvania.

6. Defendant is a business entity with its principal place of business in Blue Ash, Ohio.

7. Defendant purchases defaulted consumer debt to collect for profit.

8. Defendant purchases defaulted consumer debt for pennies on the dollar.
9. Defendant collects the debt they purchase, either directly or indirectly, by calling consumers, sending letters to consumers, and filing lawsuits against consumers.
10. Defendant uses instrumentalities of interstate commerce, such as telephone, mail, and the internet, to collect the debt they purchase.

### **FACTUAL ALLEGATIONS**

11. On February 12, 2020, Defendant filed a civil complaint against Plaintiff in the Court of Common Pleas of Allegheny County, Pennsylvania (the "Collection Complaint").
12. Defendant claimed it was assigned a debt that was owed by Plaintiff (the "Debt").
13. The Debt was for personal, family or household purposes.
14. The amount of the Debt was allegedly \$3,108.17.
15. Attached to the Collection Complaint was a notice to defend in which Defendant stated to Plaintiff:

**YOU HAVE BEEN SUED IN COURT.** If you wish to defend against the claims set forth in the attached copy of suit papers, **YOU MUST** complete and detach two copies of the attached "Notice of Intention to Appear." One completed copy of the Notice of Intention to Appear" must be filed or mailed to the Prothonotary's Office, First Floor, City-County Building, 414 Grant Street, Pittsburgh, PA 15219 and the other completed copy must be mailed to:

Tsarouhis Law Group, LLC  
21 S 9<sup>th</sup> Street  
Allentown PA 18102

within **TWENTY (20)** days from the date these papers were mailed. You are warned that if you fail to do so, the case may proceed without you and a judgment maybe entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money, property, or other rights important to you.

16. Also attached to the Collection Complaint was only one (1) copy of Allegheny County Local Form 1320B, a notice of intention to appear, in which Defendant inserted its own additional language not found in the form, and falsely instructed Plaintiff as follows:

...If you intend to appear at the hearing and defend against this claim, YOU MUST complete and detach two of the copies of the "Notice of Intention to Appear" at the top of this page...IF YOU DO NOT thus file or mail "Notice of Intention to Appear," OR IF YOU properly file or mail it but DO NOT APPEAR at the above time and place for the hearing: A JUDGMENT OR AN AWARD FOR THE AMOUNT OF THE CLAIM MAY BE ENTERED AGAINST YOU.

17. The Notice to Defend and the Notice of Intention to Appear forms used by the Defendant in the Collection Complaint are forms associated with Allegheny County Local Rule 1320, governing cases where "damages do not exceed the sum of \$3,000."

18. Because the amount of the Debt was allegedly in excess of \$3,000, Allegheny County Local Rule 1320 was not applicable to Plaintiff or the Debt.

19. Defendant provided false and deceptive information to Plaintiff by failing to provide the correct notices to Plaintiff.

20. Defendant provided false and deceptive information and forms in its Collection Complaint in an attempt to collect the Debt.

21. Defendant deprived Plaintiff of truthful information in its debt collection attempts.

22. Plaintiff suffered injury and harm as a result of Defendant's failure to comply with the law.

23. Defendant provided false and deceptive information and forms to Allegheny County, Pennsylvania consumers as described above on a systematic basis, potentially affecting hundreds of consumers similarly.



**COUNT I**  
**Violation of the Fair Debt Collection Practices Act**  
**15 U.S.C. §§ 1692 et seq.**

24. Plaintiff repeats and re-alleges all prior allegations as if set forth at length herein.

25. Plaintiff is a consumer under the FDCPA, the Debt is a debt under the FDCPA, and Defendant is a debt collector under the FDCPA. 15 U.S.C. §§ 1692a(3), (5), (6).

26. Defendant's actions and practices described herein constitute as: false, deceptive or misleading representations or means in connection with the collection of a debt, in violation of 15 U.S.C. § 1692e, and/or unfair or unconscionable means to collect or attempt to collect a debt, in violation of 15 U.S.C. § 1692f.

27. As a result of Defendant's failure to comply with the provisions of the FDCPA, and the resulting injury and harm Defendant's failure caused, Plaintiff is entitled to actual damages, statutory damages and attorney's fees and costs under 15 U.S.C. § 1692k.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for the following relief, within the arbitration limits of this court:

- a. An order awarding actual, statutory, and all other damages available by law, along with pre-and post-judgment interest;
- b. An order awarding attorney's fees and costs;
- c. An order declaring Defendant's conduct unlawful; and
- d. An order awarding all other and further relief as the Court deems just and proper.

**JURY DEMAND**

Plaintiff demands a trial by jury as to all issues so triable upon appeal or removal.

Respectfully submitted,

MOYNIHAN LAW, PC

Dated: February 10, 2021

By: /s/Mark G. Moynihan  
Mark G. Moynihan, Esq.  
Counsel for Plaintiff



**VERIFICATION**

The undersigned, Mark G. Moynihan, hereby states that he is the attorney for the Plaintiff, Eric P Janas, he is authorized to take this Verification on behalf of the said Plaintiff and verifies that the statements made in the foregoing Complaint are true and correct to the best of his knowledge, information and belief, based upon the information provided to him by the Plaintiff.

A Verification signed by the Plaintiff will be provided to Defendant or counsel for Defendant upon request.

The undersigned understands that false statements herein are made subject to the penalties of 18 Pa.C.S § 4904, relating to unsworn falsification to authorities.

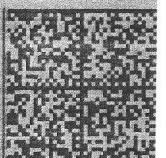
/s/ Mark G. Moynihan  
Mark G. Moynihan



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FIRST-CLASS



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MAILED FROM Z

Moyrnihan Law, P.C.  
2 Chatham Center, Suite 230  
Pittsburgh, PA 15219

**Unifund CCR, LLC**  
**10625 Techwood Cir**  
**Blue Ash, OH 45242-2846**



# MOYNIHAN LAW, P.C.

2 Chatham Center, Suite 230 Pittsburgh, PA 15219

Phone: 412.889.8535 Fax: 800.997.8192

RECEIVED  
FEB 18 2021  
Unifund Media Dept

February 16, 2021

**Sent via USPS Certified Mail No. 7017 3040 0000 9360 8648,  
Return Receipt Requested**

Unifund CCR, LLC  
10625 Techwood Cir  
Blue Ash, OH 45242-2846

**Re: Eric P. Janas v. Unifund CCR, LLC  
Case No.: AR-21-000509  
Our Matter No.: 2096-03**

To Whom it May Concern:

Enclosed please find a copy of the Complaint that was electronically filed in the Court of Common Pleas of Allegheny County, Pennsylvania.

Please feel free to contact me to discuss this matter.

Sincerely,



Mark G. Moynihan, Esq.  
Attorney for Plaintiff

MGM/tam  
Enc.